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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,219	03/12/2004	Harry Edward Hagaman	HAGAMAN-HARRY-E	7444

7590 09/19/2005

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EXAMINER

SLACK, NAKO N

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

In view of applicant's amendment received August 26, 2005, claims 1-18 have been canceled. New claims 39-84 have been entered. However, by original presentation, only method claims 39-55, 72-74, 78-84 are considered in this application. Article claims 56-71, 75-77 are drawn to non-elected invention and are withdrawn from consideration. Furthermore, the new method claims describe distinct inventions, as outlined below and are subject to a restriction requirement which follows:

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 39-55, 78-79, drawn to a method of forming a fiber and wall surface composite, classified in class 156, subclass 60.
- II. Claims 72-74, drawn to a method of erecting a frame, classified in class 52, subclass 745.2.
- III. Claims 80-81, drawn to a method of binding earth and fiber, classified in class 405, subclass 266.
- IV. Claim 82-84, drawn to a method of weaving fiber, classified in class 162, subclass 269.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In

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the instant case, a method of forming a fiber and wall surface composite does not require the steps in a method of erecting a frame, binding earth and fiber, or weaving. Similarly, the method of erecting a frame does not require the steps in a method of forming a composite, binding, or weaving. And the method of binding earth and fiber does not require the steps in a method of forming a fiber and wall surface composite, erecting a frame, or weaving fiber. Finally, the method of weaving does not require the steps of forming a fiber and wall surfacing composite, erecting a frame, or binding earth and fiber.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Registered Patent Attorney/Agent

An examination of the amendment in this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a

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patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (571) 272-6848. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naoko Slack
Primary Examiner
Art Unit 3635

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September 14, 2005